



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Rocky Stewart, Timo Metsaportti	)	
and Pal Takacsi-Nagy	)	
SC/Serial No.: 09/788,150	)	Art Unit: 2152
Confirm. No.: 4298	)	Examiner: Unassigned
Filed: February 16, 2001	)	
Title: OPEN MARKET COLLABORATION	)	
SYSTEM FOR ENTERPRISE WIDE	)	
ELECTRONIC COMMERCE	)	<u>Customer No. 23910</u>
	)	

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on July 5, 2001.

(Agent Signature)

Karl Kenna, Reg. No.: 45,445

Signature Date: July 5, 2001

**DECLARATION UNDER 37 C.F.R. §1.47 ON BEHALF OF**  
**SIGNING INVENTORS IN SUPPORT OF**  
**PETITION TO ACCEPT DECLARATION IN RESPONSE TO**  
**A MISSING PARTS WITHOUT THE SIGNATURE OF A JOINT INVENTOR**

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants, through their undersigned attorney, hereby petitions the Commissioner to accept Applicants' Response to Notice to File Missing Parts in the above-identified application. Applicants make the following declaration:

### **Declaration by Applicant**

1. Inventor Timo Metsaportti, a former employee of BEA Systems, Inc., is a joint inventor in the above-identified application, as well as other recently filed patent applications, assigned or to be assigned to BEA Systems, Inc.

2. On April 17, 2001, Applicants' attorney, in his customary practice of obtaining updated inventorship information for inventors and employees of BEA Systems, Inc., sent an email to inventor Timo Metsaportti at his email address at BEA Systems, Inc. identified as follows: timo.metsaportti@beasys.com. A copy of the email is attached and incorporated herein by reference as Exhibit A. The undersigned received no response.

3. On April 24, 2001, Applicants' attorney sent a second email to inventor Metsaportti at the above-identified email address, and again received no response. Copy of the email is attached and incorporated herein by reference as Exhibit B.

4. On April 27, 2001, after learning that Inventor Metsaportti was no longer employed by BEA Systems, Inc., and after preparing the necessary formal documents required in all newly filed patent applications where Inventor Metsaportti is listed as a joint inventor, Applicants' attorney sent via FedEx multiple declaration and assignment documents, as well as copies of all applicable patent applications, to Inventor Metsaportti's last known home address for review and execution. Applicants' attorney received an email confirmation from FedEx that the above FedEx package was delivered to the address indicated on April 30, 2001 and the package was signed for by Irene Summanen. Copy of FedEx email confirmation is attached and incorporated herein by reference as Exhibit C.

5. On May 23, 2001, Applicants' attorney contacted Inventor Metsaportti's former employer BEA Systems, Inc. for Inventor Metsaportti's last known home telephone number, and attempted to contact Inventor Metsaportti, but received no response.

6. On June 6, 2001, Applicants' attorney attempted to contact Inventor Metsaportti again at his last known home telephone number, and learned that the telephone number was invalid.

7. Applicant believes it has made a diligent effort in attempting to contact Inventor Metsaportti so as to fulfill the formal documents requirement in a timely manner. Due to Inventor Metsaportti's non-response to Applicant's numerous attempted contacts over a course of


approximately two months, Applicants conclude that Inventor Metsaportti is refusing to execute all formal documents required by the Notices to File Missing Parts in all recently filed patent applications listing Inventor Metsaportti as a joint inventor.

8. Inventor Timo Metsaportti's last known contact information is Koivunrunko 8B, Espoo, Finland 02130, telephone number 011 3588 301008.

Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: July 5, 2001

By:   
Karl Kenna  
Reg. No. 45,445

FLIESLER DUBB MEYER & LOVEJOY LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
(415) 362-3800

**Mary Buggie**

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**Fr m:** Mary Buggie  
**Sent:** Tuesday, April 17, 2001 2:45 PM  
**To:** 'timo.metsaportti@bea.com'  
**Subject:** Information Needed

Dear Timo,

We are in the process of preparing formal documents for your signature for the following patent applications we filed for BEA Systems on February 16, 2001:

Open Market Collaboration System for Enterprise Wide Electronic Commerce  
Message Routing System for Enterprise Wide Electronic Collaboration  
Conversation Management System for Enterprise Wide Electronic Collaboration  
Workflow Integration System for Enterprise Wide Electronic Collaboration

However, we do not have your country of citizenship on file, which is required on the Declaration for Patent Application document.

Please provide us with your country of citizenship as soon as possible so we may send you the formal documents.

Thank you,

Mary Buggie  
Assistant to Karl Kenna  
Fliesler Dubb Meyer & Lovejoy LLP  
Four Embarcadero Center  
Fourth Floor  
San Francisco, CA 94111  
(415) 362-3800, xt. 278  
(415) 362-2928 fax  
mbuggie@fdml.com

**Mary Buggie**

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**From:** Mary Buggie  
**Sent:** Tuesday, April 24, 2001 4:06 PM  
**To:** 'timo.metsaportti@beasys.com'  
**Subject:** FW: Information Needed

-----Original Message-----

**Fr m:** Mary Buggie  
**Sent:** Tuesday, April 17, 2001 8:35 AM  
**T :** 'timo.metsaportti@bea.com'  
**Cc:** Karl Kenna; Jan Smith  
**Subject:** Information Needed

Dear Timo,

We are in the process of preparing formal documents for your signature for the following patent applications we filed for BEA Systems on February 16, 2001:

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Thank you,

Mary Buggie  
Assistant to Karl Kenna  
Fliesler Dubb Meyer & Lovejoy LLP  
Four Embarcadero Center  
Fourth Floor  
San Francisco, CA 94111  
(415) 362-3800, xt. 278  
(415) 362-2928 fax  
mbuggie@fdml.com

**Mary Buggie**

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**From:** sysdeliv@esprim6.prod.fedex.com  
**Sent:** Wednesday, May 02, 2001 6:45 AM  
**To:** mbuggie@fdml.com  
**Subject:** FedEx shipment 791147043041

Our records indicate that the shipment sent from KARL KENNA/FLIESLER DUBB MEYER & LOVEJOY to Timo Metsaportti has been delivered. The package was delivered on 4/30/2001 at 12:11 PM and signed for or released by I.RENE S-SUMMANEN.

The ship date of the shipment was 4/27/2001.

The tracking number of this shipment was 791147043041.

Thank you for shipping with FedEx Ship Manager at FedEx.com.  
[https://www.fedex.com/cgi-bin/ship\\_it/interNetShip/](https://www.fedex.com/cgi-bin/ship_it/interNetShip/)

To track the status of this shipment on line click on the following:  
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791147043041&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791147043041&action=track&language=english&cntry_code=us)

Disclaimer

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FedEx has not validated the authenticity of any email address.